S.B. CIVIL MISC. APPEAL NO. 938/2004

Date : 10.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Yogesh Sharma for the appellant.
Mr. B.N. Kalla for the respondents.

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Heard learned counsel for the parties.

The allegation of the petitioner is that the property in question is ancestral property and the respondent is going to make constructions. In view of the fact that the rights are yet to be determined, it is not in the fitness of things to grant any injunction to the respondent. However, if any construction is made and ultimately, it is declared that the petitioner has a right in the property in question, then no equities will arise in favour of the respondent and the petitioner will be entitled to get a share, may be as constructed by the respondent.

With these observations, the appeal is disposed of.

(BHAGWATI PRASAD), J.

bjsh